



Giant Eagle, Inc.

GiantEagle.com

February 2, 2005

The Honorable William T. Hawks  
Under Secretary for Marketing and Regulatory Programs  
U.S. Department of Agriculture  
Country of Origin Labeling Program  
Agricultural Marketing Service  
Stop 0249 Room 2092-S  
1400 Independence Avenue, SW  
Washington, DC 20250-0249

**Re: Comments on Interim Final Country of Origin Labeling Regulation  
for Fish and Shellfish (Docket No. LS-03-04)**

Dear Secretary Hawks:

Giant Eagle, Inc. is pleased to respond to the U.S. Department of Agriculture's (USDA's) request for comments on the interim final regulation for country of origin labeling for fish and shellfish. Giant Eagle Inc., is one of the nation's largest food retailers and food distributors with more than \$5.2 billion in annual sales. Founded in 1931, Giant Eagle, Inc. has grown to be the number one supermarket retailer in the region with 140 corporate and 81 independently owned and operated stores throughout western Pennsylvania, Ohio, West Virginia and Maryland. Giant Eagle also supports 5 retail support centers. In addition, Giant Eagle employs approximately 38,000 employees system wide. [amount of seafood??] We respectfully request that you address two issues in the final rule.

First, we encourage you to simplify the recordkeeping provision in the final regulation. A complete record provided by the supplier directly with the product and held at store level until the product is sold should serve as the only record that must be maintained by retail stores, including their corporate headquarters. A complete record would include the supplier's name and contact information; the type of seafood; its country of origin and method of production; and a lot code number or other unique identifier, such as a pack date or a sell by date, that would allow the supplier to locate records related to the specific product.

The Honorable William T. Hawks  
February 2, 2005  
Page 2

Unlike retailers and distributors, the supplier has firsthand knowledge of the origin and production of the seafood item and, thus, is the only entity that can properly validate the origin and production claims made. Once the seafood is harvested, its country of origin and method of production are fixed and cannot lawfully change. Therefore, it is not necessary for the food distribution chain to capture or maintain information as the product is transferred through the chain provided that the product is directly accompanied by a complete record. Indeed, information provided directly from the supplier to the retailer is likely to be more consistently accurate since this system will eliminate the chance for errors that might otherwise occur when information is recorded and transmitted by intermediaries.

Moreover, if the supplier provides a complete record with each shipment, then USDA should have all the necessary information at hand to assess whether the claim required by the statute and made at store level is accurate, without having to trace the product back through each step of the distribution chain. This procedure is far more efficient and would have the additional benefit of conserving USDA resources. Accordingly, we respectfully request that USDA allow a complete supplier record to serve as the only record necessary at store level and remove the requirement for corporate or intermediary recordkeeping.

Second, the interim final rule becomes effective on April 4, 2005. The final rule is unlikely to be issued much before the IFR is scheduled to take effect. Therefore, we urge you to include a new effective date with the final rule so that we will be able to implement it in a timely and efficient manner. In particular, we urge you to apply USDA's recently announced uniform labeling compliance date policy.

We appreciate your attention to our comments.

Sincerely,



Edward Steinmetz  
Vice President Meat and Seafood Merchandising